

Source : <http://www.chronosmag.eu/index.php/g-agamben-for-a-theory-of-destituent-power.html>

Date : ΧΡΟΝΟΣ 10 (02.2014)

# For a theory of destituent power

Public lecture in Athens, 16.11.2013

Invitation and organization by Nicos Poulantzas Institute and SYRIZA Youth

**Giorgio Agamben**

A reflection on the destiny of democracy today here in Athens is in some way disturbing, because it obliges to think the end of democracy in the very place where it was born. As a matter of fact, the hypothesis I would like to suggest is that the prevailing governmental paradigm in Europe today is not only non democratic, but that it cannot either be considered as political. I will try therefore to show that the European society today is no more a political society: it is something entirely new, for which we lack a proper terminology and we have therefore to invent a new strategy.

Let me begin with a concept which seems, starting from September 2001, to have replaced any other political notion: security. As you know, the formula "for security reasons" functions today in any domain, from everyday life to international conflicts, as a password in order to impose measures that the people have no reason to accept. I will try to show that the real purpose of the security measures is not, as it is currently assumed, to prevent dangers, troubles or even catastrophes. I will be consequently obliged to make a short genealogy of the concept of "security".

One possible way to sketch such a genealogy would be to inscribe its origin and history in the paradigm of the state of exception. In this perspective, we could trace it back to the Roman principle *Salus publica suprema lex*, public safety is the highest law, and connect it with Roman dictatorship, with the canonistic principle *necessity does not acknowledge any law*, with the *comites de salut publique* during French revolution and finally with article 48 of the Weimar republic, which was the juridical ground for the nazi regime. Such a genealogy is certainly correct, but I do not think that it could really explain the functioning of the security apparatuses and measures which are familiar to us. While the state of exception was originally conceived as a provisional measure, which was meant to cope with an immediate danger in order to restore the normal situation, the security reasons constitute today a permanent technology of government. When in 2003 I published a book in which I tried to show precisely how the state of exception was becoming in western democracies a normal system of government, I could

not imagine that my diagnosis would prove so accurate. The only clear precedent was the Nazi regime. When Hitler took the power in february 1933, he immediately proclaimed a decree suspending the articles of the Weimar constitution concerning personal liberties. The decree was never revoked, so that the entire Third Reich can be considered as a state of exception which lasted twelve years.

What is happening today is still different. A formal state of exception is not declared and we see instead that vague non juridical notions –like the security reasons- are used to instaure a stable state of creeping and fictitious emergency without any clearly identifiable danger. An example of such non juridical notions which are used as emergency producing factors is the concept of crisis. Besides the juridical meaning of judgement in a trial, two semantic traditions converge in the history of this term which, as it is evident for you, comes from the greek verb *crino*: a medical and a theological one. In the medical tradition, *crisis* means the moment in which the doctor has to judge, to decide if the patient will die or survive. The day or the days in which this decision is taken are called *crisimoi*, the decisive days. In theology, *crisis* is the Last Judgment pronounced by Christ in the end of times. As you can see, what is essential in both traditions is the connection with a certain moment in time. In the present usage of the term, it is precisely this connection which is abolished. The crisis, the judgement is split from its temporal index and coincides now with the cronological course of time, so that, not only in economics and politics, but in every aspect of social life, the crisis coincides with normality and becomes, in this way, just a tool of government. Consequently, the capability to decide once for all disappears and the continuous decision-making process decides nothing. To state it in paradoxical terms, we could say that, having to face a continuous state of exception, the government tends to take the form of a perpetual *coup d'état*. By the way, this paradox would be an accurate description of what happens here in Greece as well as in Italy, where to govern means to make a continuous series of small *coups d'état*. The present government of Italy is not legitimate.

This is why I think that, in order to understand the peculiar governmentality under which we live, the paradigm of the state of exception is not entirely adequate. I will therefore follow Michel Foucault's suggestion and investigate the origin of the concept of security in the beginning of modern economy, by François Quesnay and the Physiocrats, whose influence on modern governmentality could not be overestimated. Starting with Westphalie treaty, the great absolutist european states begin to introduce in their political discourse the idea that the sovereign has to take care of his subjects security. But Quesnay is the first to establish security (*sureté*) as the central notion in the theory of government –and this in a very peculiar way.

One of the main problems governments had to cope with at the time, was the problem of famines. Before Quesnay, the usual methodology was trying to prevent famines by the creation of public granaries and forbidding the exportation of cereals. Both these measures had negative effects on the production. Quesnay's idea was to reverse the process: instead of trying to prevent famines, he decided to let them happen and to be able to govern them once they occurred, liberalizing both internal and foreign exchanges. "To govern" retains here its etymological cybernetical meaning: a good *kybernes*, a good pilot can't avoid tempests, but, if a tempest occurs, he must be able to govern his boat, using the force of waves and winds for the navigation. This is the meaning of the famous motto "laissez faire, laissez passer": it is not only the catchword of economic liberalism: it is a paradigm of government, which conceives of

security (*sureté*, in Quesnay words) non as the prevention of troubles, but rather as the ability to govern and guide them in the good direction once they take place.

We should not neglect the philosophical implications of this reversal. It means an epoch-making transformation in the very idea of government, which overturns the traditional hierarchical relation between causes and effects. *Since governing the causes is difficult and expensive, it is more safe and useful to try to govern the effects.* I would suggest that this theorem by Quesnay is the axiom of modern governmentality. The *ancien regime* aimed to rule the causes, modernity pretends to control the effects. And this axiom applies to every domain: from economy to ecology, from foreign and military politics to the internal measures of police. We must realize that European governments today gave up any attempt to rule the causes, they only want to govern the effects. And Quesnay's theorem makes also understandable a fact which seems otherwise inexplicable: I mean the paradoxical convergence today of an absolutely liberal paradigm in economy with an unprecedented and equally absolute paradigm of state and police control. If government aims to the effects and not to the causes, it will be obliged to extend and multiply controls. Causes demand to be known, while effects can only be checked and controlled.

One important sphere in which the axiom is operative is that of biometrical security apparatuses, which is increasingly pervading every aspect of social life. When biometrical technologies first appeared in 18th century in France with Alphonse Bertillon and in England with Francis Galton, the inventor of finger prints, they were obviously not meant to prevent crimes, but only to recognize recidivist delinquents. Only once a second crime has occurred, you can use the biometrical data to identify the offender.

Biometrical technologies, which had been invented for recidivist criminals, remained for longtime their exclusive privilege. In 1943, the Congress of the USA still refused the *Citizen identification act*, which was meant to introduce for every citizen an Identity Card with finger prints. But according to a sort of fatality or unwritten law of modernity, the technologies which have been invented for animals, for criminals, strangers or Jews, will finally be extended to all human beings. Therefore in the course of 20th century, biometric technologies have been applied to all citizens and Bertillon identifying photograph and Galton's fingerprints are currently used in every country for ID cards.

But the extreme step has been taken only in our days and it is still in the process of full realization. The development of new digital technologies, with optical scanners which can easily record not only finger prints but also the retina or the eye iris structure, biometrical apparatuses tend to move beyond the police stations and immigration offices and spread to everyday life. In many countries, the access to student's restaurants or even to schools is controlled by a biometric apparatus on which the student just puts his hand. The European industries in this field, which are quickly growing, recommend that citizens get used to this kind of controls from their early youth. The phenomenon is really disturbing, because the European Commissions for the development of security (like the ESPR, European security research program) include among their permanent members the representatives of the big industries in the field, which are just armaments producers like Thales, Finmeccanica, EADS et BAE System, that have converted to the security business.

It is easy to imagine the dangers represented by a power that could have at its disposal the unlimited biometric and genetic information of all its citizens. With such a power at hand, the extermination of the Jews, which was undertaken on the basis of incomparably less efficient documentation, would have been total and incredibly swift. But I will not dwell on this important aspect of the security problem. The reflections I would like to share with you concern rather the transformation of political identity and of political relationships that are involved in security technologies. This transformation is so extreme, that we can legitimately ask not only if the society in which we live is still a democratic one, but also if this society can be still considered as political.

Christian Meier has shown how in fifth century a transformation of the political conceptuality took place in Athens, which was grounded on what he calls a "politisation" (*politisierung*) of citizenship. While till that moment the fact of belonging to the *polis* was defined by a number of conditions and social status of different kind –for instance belonging to nobility or to a certain cultural community, to be peasant or merchant, member of a certain family etc- from now on citizenship became the main criterion of social identity.

"The result was a specifically Greek conception of citizenship, in which the fact that men had to behave as citizens found an institutional form. The belonging to economical or religious communities was removed to a secondary rank. The citizens of a democracy considered themselves as members of the polis, only in so far as they devoted themselves to a political life. *Polis* and *politeia*, city and citizenship constituted and defined one another. Citizenship became in that way a form of life, by means of which the *polis* constituted itself in a domain clearly distinct from the *oikos*, the house. Politics became therefore a free public space as such opposed to the private space, which was the reign of necessity". According to Meier, this specifically Greek process of politisation was transmitted to western politics, where citizenship remained the decisive element.

The hypothesis I would like to propose to you is that this fundamental political factor has entered an irrevocable process that we can only define as a process of increasing depolitisation. What was in the beginning a way of living, an essentially and irreducibly active condition, has now become a purely passive juridical status, in which action and inaction, the private and the public are progressively blurred and become indistinguishable. This process of depolitisation of citizenship is so evident, that I will not dwell on it.

I will rather try to show how the paradigm of security and the security apparatuses have played a decisive role in this process. The growing extension to citizens of technologies which were conceived for criminals has inevitably consequences on the political identity of the citizen. For the first time in the history of humanity, identity is no longer a function of the social personality and its recognition by others, but rather a function of biological data, which cannot bear any relation to it, like the arabesques of the fingerprints or the disposition of the genes in the double helix of DNA. The most neutral and private thing becomes the decisive factor of social identity, which loses therefore its public character.

If my identity is now determined by biological facts, that in no way depends on my will and over which I have no control, then the construction of something like a political and ethical identity becomes problematic. What relationship can I establish with my fingerprints or my genetic

code? The new identity is an identity without the person, as it were, in which the space of politics and ethics loses its sense and must be thought again from the ground up. While the greek citizen was defined through the opposition between the private and the public, the *oikos*, which is the place of reproductive life, and the *polis*, place of political action, the modern citizen seems rather to move in a zone of indifference between the private and the public, or, to quote Hobbes terms, the physical and the political body.

The materialization in space of this zone of indifference is the video surveillance of the streets and the squares of our cities. Here again an apparatus that had been conceived for the prisons has been extended to public places. But it is evident that a video recorded place is no more an *agora* and becomes a hybrid of public and private, a zone of indifference between the prison and the forum. This transformation of the political space is certainly a complex phenomenon, that involves a multiplicity of causes, and among them the birth of biopower holds a special place. The primacy of the biological identity over the political identity is certainly linked to the politicization of bare life in modern states. But one should never forget that the leveling of social identity on body identity begun with the attempt to identify the recidivist criminals. We should not be astonished if today the normal relationship between the state and its citizens is defined by suspicion, police filing and control. The unspoken principle which rules our society can be stated like that: *every citizen is a potential terrorist*. But what is a State which is ruled by such a principle? Can we still define it as democratic State? Can we even consider it as being something political? In which kind of State do we live today?

You will probably know that Michel Foucault, in his book *Surveiller et punir* and in his courses at the *Collège de France* sketched a typological classification of modern States. He shows how the State of the *Ancien régime*, that he calls territorial or sovereign State and whose motto was *faire mourir et laisser vivre*, evolves progressively in a population State and in a disciplinary State, whose motto reverses now in *faire vivre et laisser mourir*, as it will take care of the citizens life in order to produce healthy, well ordered and manageable bodies.

The state in which we live now is no more a disciplinary State. Gilles Deleuze suggested to call it «Etat de contrôle», control State, because what it wants, is not to order and to impose discipline, but rather to manage and to control. Deleuze's definition is correct, because management and control do not necessarily coincide with order and discipline. No one has told it so clearly as the Italian police officer, who, after the turmoils of Genoa in July 2001, declared that the government did not want that the police maintains order, but that it manages disorder.

American politologists, who have tried to analyze the constitutional transformation involved in the *Patriot Act* and in the other laws which followed September 2001, prefer to speak of a *Security State*. But what does security here mean? It is during the French revolution that the notion of security –*sureté*, as they used to say- is linked to the definition of police. The laws of March 16, 1791 and August 11, 1792 introduce thus in the French legislation the notion of «*police de sureté*» (security police), which was doomed to have a long history in modernity. If you read the debates which preceded the votation of these laws, you will see that police and security define one another, but no one among the speakers (Brissot, Hérault de Séchelle, Gensonné) is able to define police or security by themselves.

The debates focused on the situation of the police with respect to justice and judicial power. Gensonné maintains that they are «two separate and distinct powers»; yet, while the function of the judicial power is clear, it is impossible to define the role of the police. An analysis of the debate shows that the place and function of the police is undecidable and must remain undecidable, because, if it were really absorbed in the judicial power, police could no more exist. This is the discretionary power which still today defines the action of the police officer, who, in a concrete situation of danger for the public security, acts so to speak as a sovereign. But, even when he exerts this discretionary power, he does not really take a decision, nor prepares, as is usually stated, the judge's decision. Every decision concerns the causes, while the police acts on effects, which are by definition undecidable.

The name of this undecidable element is no more today, like it was in XVII century, «raison d'Etat», State reason: it is rather «security reasons». The Security State is a police State: but, again, in the juridical theory, the police is a kind of black hole. All we can say is that when the so called «Science of the police» first appears in XVIII century, the «police» is brought back to its etymology from the Greek «politeia» and opposed as such to «politics». But it is surprising to see that Police coincides now with the true political function, while the term politics is reserved to the foreign policy. Thus Von Justi, in his treatise on *Policey Wissenschaft*, calls *Politik* the relationship of a State with other States, while he calls *Polizei* the relationship of a State with itself. It is worthwhile to reflect upon this definition: (I quote): «Police is the relationship of a State with itself».

The hypothesis I would like to suggest here is that, placing itself under the sign of security, modern State has left the domain of politics to enter a no man's land, whose geography and whose borders are still unknown. The Security State, whose name seems to refer to an absence of cares (*securus* from *sine cura*) should, on the contrary, make us worry about the dangers it involves for democracy, because in it political life has become impossible, while democracy means precisely the possibility of a political life.

But I would like to conclude –or better to simply stop my lecture (in philosophy like in art, no conclusion is possible, you can only abandon your work) with something which, as far as I can see now, is perhaps the most urgent political problem. If the State we have in front of us is the Security State I described, we have to think anew the traditional strategies of political conflicts. What shall we do, what strategy shall we follow?

The Security paradigm implies that each dissention, each more or less violent attempt to overthrow its order, become an opportunity to govern them in a profitable direction. This is evident in the dialectics which binds tightly together terrorism and State in an endless vicious spiral. Starting with French revolution, the political tradition of modernity has conceived of radical changes in the form of a revolutionary process that acts as the *pouvoir constituant*, the «constituent power» of a new institutional order. I think that we have to abandon this paradigm and try to think something as a *puissance destituante*, a «purely destituent power», that cannot be captured in the spiral of security.

It is a destituent power of this sort that Benjamin has in mind in his essay *On the critique of violence* when he tries to define a pure violence which could «break the false dialectics of lawmaking violence and law-preserving violence», an example of which is Sorel's proletarian

general strike. «On the breaking of this cycle» he writes in the end of the essay «maintained by mythic forms of law, on the destitution of law with all the forces on which it depends, finally therefore on the abolition of State power, a new historical epoch is founded». While a constituent power destroys law only to recreate it in a new form, destituent power, in so far as it deposes once for all the law, can open a really new historical epoch.

To think such a purely destituent power is not an easy task. Benjamin wrote once that nothing is so anarchical as the bourgeois order. In the same sense, Pasolini in his last movie has one of the four Salò masters saying to their slaves: «true anarchy is the anarchy of power». It is precisely because power constitutes itself through the inclusion and the capture of anarchy and anomy, that it is so difficult to have an immediate access to these dimensions, it is so hard to think today something as a true anarchy or a true anomy. I think that a praxis which would succeed in exposing clearly the anarchy and the anomy captured in the Security government technologies could act as a purely destituent power. A really new political dimension becomes possible only when we grasp and depose the anarchy and the anomy of power. But this is not only a theoretical task: it means first of all the rediscovery of a form-of-life, the access to a new figure of that political life whose memory the Security State tries at any price to cancel.